



DAC/Hew

Docket No.: 66396-153

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of : Customer Number: 20277  
Patrick O'MAHONY, et al. : Confirmation Number: 3797  
Serial No.: 10/813,430 : Group Art Unit: Not yet assigned  
Filed: March 31, 2004 : Examiner: Not yet assigned  
For: SELF-CALIBRATING POSITION DETERMINATION SYSTEM AND USER INTERFACE

**RESPONSE TO DECISION REFUSING STATUS UNDER 37 CFR § 1.47(a)**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is responsive to the DECISION REFUSING STATUS UNDER 37 CFR § 1.47(a), issued on March 30, 2005 in connection with Applicants' petition under 37 C.F.R. § 1.47(a), which was timely filed on September 14, 2004 with respect to the unavailability of a joint inventor, Manjula Gururaj, to sign a declaration required under 37 CFR 1.63.

A renewed effort made by the Assignee of this application successfully reached the previously unavailable inventor, Manjula Gururaj, who duly executed the declaration. A copy of the declaration signed by Manjula Gururaj is attached hereto. A copy of the declaration executed by the other inventor, Patrick O'Mahony, was previously submitted and is on file. As the declaration in compliance with 37 CFR 1.63 is now in place, the previous petition under 37 CFR

§ 1.47(a) and the DECISION REFUSING STATUS UNDER 37 CFR § 1.47(a) are now moot. It is respectfully submitted that the requirement under 37 CFR 1.63 is now satisfied.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

MCDERMOTT WILL & EMERY LLP



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Registration No. 56,665

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**Date: May 20, 2005**



## DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter claimed and for which a patent is sought on the invention entitled SELF-CALIBRATING POSITION DETERMINATION SYSTEM AND USER INTERFACE, the specification of which

- is attached hereto.
- was filed on March 31, 2004 as United States Application Number 10/813,430, or PCT International Application Number and was amended on (if applicable), or
- is a Continuation-In-Part (CIP) of Application Number , filed

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is known to me to be material to patentability in accordance with Title 37, Code of Federal Regulations, Section 1.56 including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35, United States Code, Section 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent or inventor's or plant breeder's right certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's, or plant breeder's rights certificate, or any PCT international application having a filing date before that of the application on which priority is claimed:

<b>Prior Foreign Applications(s):</b>		<b>Priority Claimed</b>
<b>Number</b>	<b>Country</b>	<b>Day/Month/Year filed</b>
		<input type="checkbox"/>
		<input type="checkbox"/>

I hereby claim the benefit under 35 United States Code, Section 119(e) of any United States provisional application(s) listed below.

<b>Prior Provisional Application(s):</b>	
<b>Application Number</b>	<b>Filing Date</b>

I hereby claim the benefit under 35, United States Code, Section 120 of any United States application(s) or 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35, United States Code, Section 112. I acknowledge the duty to disclose information which is material to patentability as defined in 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

**Prior U.S. Application(s):**

Serial No.

Filing Date

Status: Patented, Pending, Abandoned

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**POWER OF ATTORNEY:**

As a named inventor, I hereby appoint Mark C. Bach, Reg. No. 34,766, and the registered practitioners of McDermott Will & Emery LLP, included in the Customer Number provided below, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

**CUSTOMER NUMBER 20277**

Send correspondence to the address associated with Customer Number 20277

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Full name of sole or first inventor: Patrick O'Mahony

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Inventor's signature:

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Date:

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Residence: San Jose, CA

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Citizenship: Ireland

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Full name of second inventor: Manjula Gururaj

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Inventor's signature: *M. Gururaj*

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Date: 05/05/2005

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